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NOTIFICATION

No. 6996/LA4/82. *Dated, Trivandrum, August 16, 1982.*

The Kerala State Co-operative Agricultural Development Banks Bill, 1982 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/2995/MC.

Seventh Kerala Legislative Assembly

Bill No. 4

THE KERALA STATE CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANKS BILL, 1982

A

BILL

to facilitate the more efficient working of co-operative agricultural development banks in the State of Kerala.

Preamble.—WHEREAS it is expedient to facilitate the more efficient working of the co-operative agricultural development banks in the State of Kerala;

BE it enacted in the Thirty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala State Co-operative Agricultural Development Banks Act, 1982.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Agricultural Development Bank" means the Kerala Co-operative Central Land Mortgage Bank Limited, registered under section 10 of the Travancore-Cochin Co-operative Societies Act, 1951 (X of 1952) which shall hereafter be known as the "Kerala State Co-operative Agricultural Development Bank Limited";

(b) "Board" means the board of directors of the Kerala State Co-operative Agricultural Development Bank Limited;

(c) "committee" in relation to a primary bank, means the board of directors or board of management or the committee of management or the governing body to which the management of its affairs is entrusted;

(d) "co-operative society" means a co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969);

(e) "Gehan" means a special charge on movable or immovable property, in favour of the Agricultural Development Bank or a primary bank by a mere declaration in writing by the borrowers for securing the payment of money advanced or to be advanced by way of loan, which will have all the characteristics of a valid mortgage;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "primary bank" means a co-operative society registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969), as a Primary Co-operative Agricultural Development Bank Limited and admitted as a member of the Agricultural Development Bank and includes a co-operative society registered or deemed to be registered under the said Act as a Primary Co-operative Land Mortgage Bank Limited and admitted as a member of the Kerala Co-operative Central Land Mortgage Bank Limited which shall hereafter be known as a Primary Co-operative Agricultural Development Bank Limited;

(h) "Registrar" means the Registrar of Co-operative Societies appointed under sub-section (1) of section 3 of the Kerala Co-operative Societies Act, 1969 (21 of 1969);

(i) "State" means the State of Kerala;

(j) "Trustee" means the Trustee referred to in section 5.

CHAPTER II

DEBENTURES

3. *Issue of debentures by the Board.*—(1) With the previous sanction of the Trustee, the Board may issue debentures of one or more denominations for such period as it may deem expedient on the security of Gehan or mortgage or other assets taken by the Agricultural Development Bank and its other assets and Gehan or mortgages transferred or deemed under the provisions of section 12 to have been transferred by the primary banks to the Agricultural Development Bank.

(2) Notwithstanding anything contained in sub-section (1), in respect of loans guaranteed by the Government and granted to any person or to any body of persons, whether incorporated or not, and whether or not established by or under any law for the time being in force, if such a body is approved by the Government, the Board may, with the previous permission of the Trustee, issue debentures, on the strength of such Government guarantee

and without the security of Gehan or mortgages, of one or more denominations, for such periods as it may deem expedient and subject to such conditions as the Government may think fit to impose.

(3) The debentures issued under sub-section (2) may contain a term fixing a period not exceeding thirty years from the date of issue during which they shall be irredeemable or reserving to the Board the right to call in, at any time, any of the debentures in advance of the date fixed for redemption after giving the debenture holder concerned not less than three months' notice in writing.

(4) The total amount due on the debentures issued by the Board and outstanding at any time, shall not exceed the aggregate of the amounts due on the Gehan or mortgages and other assets and Government guarantee referred to in sub-section (2) and the amounts paid thereunder and remaining in the hands of the Board or of the Trustee at such time.

4. *Power to borrow money by issue of bonds or by way of loans.*—(1) Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969), the Board may, with the prior approval of the Government and subject to the regulations made under this Act, borrow money by issue of bonds:

Provided that the issue of the bonds shall be in conformity with the directions or instructions as may be issued by the Reserve Bank of India from time to time.

(2) The bonds shall be in the form of promissory notes and shall be repayable on the expiry of such period or periods from the date of issue thereof as may be approved by the Reserve Bank of India:

Provided that the Board may repay the amount due under the bonds at any time before the period or periods so fixed, after issuing a notice in such manner as the Board may direct in that behalf to the holders of the bonds.

(3) Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969), the Board may borrow money by way of loans from the Government, the Agricultural Refinance and Development Corporation, the Reserve Bank of India and such other financial institutions as may be approved by the Trustee.

5. *Appointment and powers and functions of Trustee.*—(1) The Registrar or where the Government appoint any other person in this behalf, such person, shall be the Trustee for the purpose of fulfilling the obligations of the Agricultural Development Bank to the holders of debentures issued by the Board.

(2) The Gehan created and mortgages executed in favour of the Agricultural Development Bank and other Gehan, mortgages, and assets transferred or deemed to have been transferred under the provisions of section 12 to the Agricultural Development Bank shall vest in the Trustee from the date of such creation, execution or transfer.

(3) The holders of the debentures shall have a floating charge on all such Gehan, mortgages and assets, on the amounts paid under such Gehan, or mortgages, and remaining in the hands of the Board or the Trustee and on the other properties of the Agricultural Development Bank.

(4) The powers and functions of the Trustee shall be governed by the instrument of trust executed by the Agricultural Development Bank and the Trustee, as modified from time to time by mutual agreement between the Board and the Trustee.

(5) The Trustee shall be a corporation sole by the name of the Trustee for the debentures and as such shall have perpetual succession and a common seal and in his corporate name shall sue and be sued.

6. *Guarantee by Government on principal of and interest on debentures, bonds and loans.*—(1) The principal of, and the interest on, the debentures issued under section 3 or bonds issued or loans raised under section 4, to such maximum amount as may be fixed by the Government from time to time and subject to such conditions as they may deem fit to impose, shall, subject to the provisions of sub-section (2), carry the guarantee of the Government.

(2) The Government may, after consulting the Board and the Trustee,—

(a) by notification in the Gazette, and

(b) by notice for not less than fourteen days with effect from a specified date, not being earlier than six months from the date of publication of the notification in the Gazette,

discontinue any guarantee given by them or restrict the maximum amount thereof or modify the conditions subject to which it is given:

Provided that this sub-section shall not apply to the debentures or bonds issued or loans raised before the commencement of this Act.

7. *Power of Board to make regulations for purposes of this Chapter.*—The Board may, subject to the approval of the Trustee, make regulations not inconsistent with the provisions of this Chapter—

(a) for fixing the period of debentures and the rate of interest payable thereof;

(b) for calling in debentures after giving notice to debenture holders;

(c) for the issue of new debentures in place of debentures damaged or destroyed;

(d) for converting one class of debentures into another class of debentures bearing a different rate of interest; and

(e) generally for carrying out the provisions of this Chapter.

CHAPTER III

LOANS

8. *Powers of agricultural development banks to advance loans.*—Subject to the provisions of this Act and the rules made thereunder, it shall be competent for the Agricultural Development Bank and the primary banks to advance loans for the following purposes, namely:—

(a) land improvement and productive purposes.

Explanation.—Land improvement and productive purposes mean any work, construction or activity which adds to the productivity of the land and, in particular, includes the following, that is to say,—

(i) construction and repair of wells (surface wells, dug-cum-bore wells, tube wells and filter points), tanks and other works for the exploitation of surface and ground water and storage, supply or distribution of water for the purposes of agriculture, or for the use of cattle employed in agriculture and all types of irrigation;

(ii) renewal or reconstruction of any of the foregoing works, or alterations therein, or additions thereto;

(iii) Preparation of land for irrigation;

(iv) drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste land which is cultivable;

(v) bunding, levelling, terracing and similar improvements;

(vi) reclamation, clearance and enclosure or permanent improvement of land for agricultural purpose;

(vii) horticulture and plantations including forest plantations;

(viii) purchase of oil engines, pumping sets and electric motors for any of the purposes mentioned herein;

(ix) purchase of tractors and other agricultural machinery;

(x) purchase of draught animals and bullock carts and other carts;

(xi) increase of the productive capacity of land by addition to it of special variety of soil;

(xii) construction or repair of permanent farm houses, cattle sheds, and sheds for processing of agricultural produce at any stage;

(xiii) construction of stone-fence, barbed wire fence or any other kind of fence for protection of land including earthen wall;

(xiv) purchase of land for consolidation of holdings;

(xv) such other purposes as the Government may specify, from time to time, as improvement or productive purposes for the purposes of this Chapter, by a special or general order;

(b) development of dairy, poultry, piggery, sheep, goat and other livestock and inland and marine fisheries;

(c) procurement of fishery requisites like fishing boats, mechanised or non-mechanised, fishing nets, twine, ropes, and marine paint;

(d) production of animal and poultry feed;

(e) procurement and installation of equipments and machinery for processing, marketing and transportation of all agricultural products including products of animal origin like milk, meat, fish, eggs and manure;

(f) installation of gobar gas plants;

(g) redemption of prior debts;

(h) payment of purchase price by tenants for purchase of the right, title and interest of landlords under the Kerala Land Reforms Act, 1963 (1 of 1964);

(i) any other purposes conductive to agricultural development as decided by the Board with the approval of the Registrar from time to time.

9. *Security for loans.*—(1) Subject to the provisions of this Act, the Agricultural Development Bank and the primary banks may advance loans to individuals and institutions on the security of lands and other fixed assets on the basis of principles of valuation approved by the Registrar:

Provided that the Agricultural Development Bank and the primary banks may, for such purposes and for such periods as may be specified by the Government by special or general order, advance loans without security of land but on the specific guarantee of the Government for the repayment of the principal and payment of interest thereon:

Provided further that the Agricultural Development Bank and the primary banks may, with the previous approval of the Registrar and subject to such restrictions and limitations as may be prescribed, advance loans for such purposes and for such periods as may be determined by the Board.

(2) Notwithstanding anything contained in any other law for the time being in force, the Agricultural Development Bank or a primary bank may, under any land development scheme prepared and approved under the provisions of the Kerala Land Development Act, 1964 (17 of 1964), grant

or advance loans to any person or a group of persons with or without security of land for carrying out the work specified in the scheme, subject to such terms and conditions as are agreed upon between the Government and the Agricultural Development Bank or the primary bank, as the case may be.

(3) All loans and advances granted and all amounts payable to or recoverable by, the Agricultural Development Bank or the primary banks shall, in case of default of payment of the loans and advances, in addition to other remedies available to the banks, be recoverable in the same manner as if they are arrears of public revenue due on land.

10. *Charge on movable or immovable property of borrower for amounts borrowed.*—(1) Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969) or in any other law for the time being in force, but subject to any claim of the Government in respect of land revenue or amounts recoverable as land revenue, whether prior in time or subsequent, any person owning any land or having interest in any land as tenant or occupier or owning any other movable or immovable property who applies to a primary bank for a loan, shall make a declaration in the prescribed form creating a Gehan or mortgage in favour of the primary bank on the land or other movable or immovable property or interest therein or any movable property or movable assets to be acquired with the loan, specified in the declaration, for the repayment of the loan or advance granted or to be granted to him by the primary bank, together with interest on such amount of the loan or advance and expressly reserving in favour of the primary bank a right of sale without intervention of court, in case of default.

(2) A declaration under sub-section (1) may be varied or cancelled at any time by the member with the prior approval of the primary bank.

(3) No land or other movable or immovable property or any movable property or movable assets to be acquired with the loan or advance in respect of which a declaration under sub-section (1) has been made and no part thereof or of the interest in such land or movable or immovable property shall, without the consent of the primary bank, be sold or otherwise transferred until the entire amount of the loan or advance taken by the member from the primary bank, together with interest thereon has been paid to the bank, and any transaction made in contravention of this sub-section shall be null and void.

(4) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), or any other law for the time being in force, it shall not be necessary to register any Gehan or mortgage created or executed in favour of the Agricultural Development Bank or a primary bank provided the Agricultural Development Bank or the primary bank, as the case may be, sends, within such time and in such manner as may be prescribed, a copy of the declaration or instrument whereby the Gehan or mortgage has been created or executed for the purpose of securing repayment of the loan, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property to which the Gehan or mortgage relates is situate,

(5) On receipt of the copy of the declaration or instrument sent under sub-section (4), the registering officer shall file a copy or copies thereof, as the case may be, in Book No. I, referred to in section 51 of the Registration Act, 1908 (Central Act 16 of 1908) and thereupon, such Gehan or mortgage shall be deemed to create an interest in the property to which the declaration or instrument relates and shall constitute notice to any one dealing with the said property.

11. *Priority of Gehan and mortgage.*—(1) A Gehan or mortgage created or executed in favour of the Agricultural Development Bank or a primary bank shall have priority over any claim of the Government arising from a loan under the Kerala Land Development Act, 1964 (17 of 1964) or the Kerala Agriculturists' Loans Act, 1961 (27 of 1961), granted after the creation or execution of the Gehan or the mortgage.

(2) Notwithstanding anything contained in any law for the time being in force, a Gehan or mortgage created or executed in favour of the Agricultural Development Bank or a primary bank shall take precedence over any attachment or equitable mortgage over the properties, where, after publication of a notice in the prescribed form, the claim or interest under such attachment or equitable mortgage has not been notified to such bank within the time prescribed in the said notice.

12. *Transfer and vesting of Gehan and mortgage with the Agricultural Development Bank.*—A Gehan or mortgage created or executed or deemed to have been created or executed in favour of, and all other assets transferred or deemed to have been transferred to a primary bank, shall, with effect from such creation, execution or transfer or with effect from the date of such deeming, as the case may be, be deemed to have been transferred by such primary bank to the Agricultural Development Bank.

13. *Money Borrowed for development of land.*—Where a primary bank has granted a loan for improvement of any land situated in any area or areas covered by any specific programme of agricultural development, to a person appearing to the primary bank to have title to the said land or to be in lawful possession thereof, and the money has been either in whole or in part utilised for such improvement, any person acquiring title to such land on ground of superior title or on any other ground shall be liable to repay to the primary bank so much of the loan as has been utilised for the improvement of the land together with interest thereon.

14. *Loans to persons having restricted rights of transfer.*—(1) Notwithstanding anything contained in any law, custom or usage, where a primary bank makes a loan or an advance to a member belonging to a Scheduled Caste or Scheduled Tribe or to any other person having restricted rights of alienation over immovable property, it shall be competent to such member or person to create a Gehan or mortgage on such property in favour of such primary bank as security for such loan.

(2) The primary bank, shall, in the event of default by the member or person and without prejudice to any other remedy available to it either under law or contract or otherwise, be entitled to take possession of such property and lease the same to any person belonging to the same caste or tribe as the member belongs in case the defaulter is a member of a Scheduled Caste or Scheduled Tribe and in any other case to any person and appropriate the net receipts from the lease in repayment of the moneys due to it; and the member or person shall not be entitled to recover possession of such property until the amount due to the primary bank has been repaid in full.

Chapter IV

DISTRAINT AND SALE OF PRODUCE

15. *Distraint when to be made.*—(1) If any instalment payable under a Gehan or mortgage created or executed in favour of the Agricultural Development Bank or a primary bank or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, the Board or the committee may, in addition to any other remedy available to it, apply to the Registrar or to any sale officer appointed by the Registrar under section 27 of the recovery of such instalment or part thereof by distraint and sale of the produce of the land to which the Gehan or the mortgage relates, including the standing crops thereon and other movable property of the defaulter.

(2) On receipt of an application under sub-section (1), the sale officer may, notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969), take such action as is necessary to distrain and sell produce and other movable property:

Provided that no distraint shall be made after the expiry of thirty-six months from the date on which the instalment fell due.

(3) The distraint shall not be excessive and the value of the property distrained shall be, as nearly as possible, equal to the amount due and the expenses of the distraint and the costs of the sale.

16. *Distraint how to be effected.*—(1) Before or at the time when a distraint is made under section 15, the distrainer shall serve or cause to be served upon the defaulter a written demand specifying the amount for which the distraint is made.

(2) The demand shall be dated and signed by the distrainer and shall be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode or to his authorised agent, or when such service cannot be effected by affixing a copy of the demand on some conspicuous part of his abode and of the mortgage land.

17. *Sale of property distrained.*—(1) If, within fifteen days from the date of service of the demand referred to in section 16, the defaulter does not pay the amount for which the distraint was affected, the distrainer may sell in auction the distrained property or such part thereof as may, in his opinion, be necessary to satisfy the demand together with the expenses of the distraint and the costs of the sale.

(2) From the proceeds of such sale, a deduction shall be made at such rate as may be fixed by the Registrar from time to time on account of the costs of the sale .

(3) From the balance shall be deducted the expenses incurred by the distrainer on account of the distraint.

(4) The remainder, if any, shall be applied to the discharge of the amount or which the distraint was made.

(5) The surplus, if any, shall be delivered to the person whose property has been sold and he shall be given a receipt for the amount discharged from the proceeds of the sale.

CHAPTER V

18. *Power of sale of property charged without intervention of court.*—(1) Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969) or the Transfer of Property Act, 1882 (Central Act 4 of 1882) or in any other law for the time being in force, where a Gehan or mortgage has been created in movable or immovable property in accordance with the provisions of sub-section (1) of section 10 in favour of the Agricultural Development Bank or a primary Bank, the Board or committee of such bank or any person authorised by the Board or such committee shall, in case of default in the payment of sums due to the bank, have power, in addition to any other remedy available to the primary bank to bring to sale the property to which the Gehan or mortgage relates without intervention of the court.

(2) No such power shall be exercised unless and until—

(a) the Board or the committee has previously authorised such sale in the exercise of the power of sale conferred on it by sub-section (1);

(b) registered notice requiring payment of sums due to the primary bank, or any part thereof, has been served upon—

(i) the person creating or executing the Gehan or mortgage;

(ii) any person who has any interest or charge upon the property to which the Gehan or mortgage relates or any other right to redeem the same;

(iii) any surety for the payment of the sums due to the primary bank or any part thereof; and

(iv) any creditor of the person creating or executing the Gehan or mortgage, who has, in a suit for the administration of his estate, obtained a decree for sale of the property to which the Gehan or mortgage relates; and

(c) There has been default in payment of such sums due to the primary bank for a period of two months after service of the notice referred to in clause (b):

Provided that the obligation to give such notice to the persons mentioned in sub-clauses (ii) and (iv) shall be confined to cases where the Board or the committee has notice of such claims.

19. *Application for sale and manner of sale.*—(1) For exercising the power of sale conferred by sub-section (1) of section 18, the Board or the Committee or any person duly authorised by the Board or such Committee, as the case may be, may apply to the sale officer appointed in that behalf under section 27 to sell the mortgaged property or any part thereof, and such officer shall, after giving notice as required by section 18, sell such property in the manner prescribed.

(2) The sale shall be by public auction and shall be held in the village where the property to which the Gehan or mortgage relates is situate or at the nearest public place if the sale officer is of opinion that the property is likely to sell to better advantage at such place.

20. *Application to set aside sale on deposit and confirmation of sale in default or on dismissal of such application.*—(1) When a property has been sold under this Chapter, the mortgage or any person having a right or interest therein affected by the sale may, at any time within thirty days from the date of the sale, apply to the sale officer concerned to have the sale set aside on his depositing with the sale officer—

(a) for payment to the Agricultural Development Bank or the primary bank, as the case may be, the amount specified in the proclamation of sale together with subsequent interest and the costs, if any, incurred by the bank in bringing the property to sale; and

(b) for payment to the purchaser a sum equal to five per cent of the purchase money.

(2) If such deposit is made, the sale officer may make an order setting aside. the sale.

(3) Where no application with deposit is made under sub-section (1) or where such application is made and disallowed, the sale officer may apply to the Registrar or any other officer empowered by him in this regard to make an order confirming the sale and, on the Registrar or such officer confirming the, it shall become absolute and the property shall be deemed to have vested in the purchaser from the time the property is sold.

21. *Distribution of sale proceeds.*—(1) The proceeds of every sale under this Chapter shall be applied by the sale officer first in payment of all costs, charges and expenses properly incurred by him as incidental to the sale or any attempted sale; secondly, in payment of all interest due on account of the Gehan or mortgage in consequence whereof the property was sold; thirdly, in payment of the principal money due on account of the Gehan or Mortgage; and lastly, the residue, if any, shall be paid to the person proving himself interested in the property sold or, if there are more such persons than one, then to such persons, according to their respective interest therein or upon their joint receipt.

(2) Any person dissatisfied with the decision of the sale officer in regard to the distribution of such residue may, within thirty days of the communication to him of such decision, institute a suit in a court to establish the right he claims.

(3) The sale officer shall not distribute such residue until thirty days have elapsed from the date of communication of his decision to all the persons concerned, or, if a suit has been instituted within the said period of thirty days by any such person and due notice thereof is given to him before the payment, until the suit is disposed of or otherwise than in accordance with the decision of the court thereon.

(4) Any deficit occurring after the sale of the property may also be recovered in the manner provided in this Chapter from any other assets of the person who created the Gehan or executed the mortgage.

Explanation.—In this section, "court" means the Civil court having jurisdiction to entertain a suit to enforce the Gehan or mortgage and within the limits of whose jurisdiction the property sold is situate.

22. *Certificate to purchaser.*—Where a sale of property has become absolute and the sale proceeds have been received in full by the sale officer, he shall grant a certificate to the purchaser in the prescribed form specifying the property, sold, the sale price, the date of the sale, the name of the person who at the time of the sale is declared to be the purchaser, and the date on which the sale became absolute, and upon the production of such certificate the Sub Registrar within whose jurisdiction the whole or any part of the property specified in the certificate is situate, shall enter the contents of such certificate in his register relating to immovable property.

23. *Delivery of property to purchaser.*—(1) Where the property sold is in the occupancy of the person who created the Gehan or the mortgagor, as the case may be or of some person on his behalf or of some person claiming under a title, other than a lease, created by the person who created the Gehan or the mortgagor subsequent to the Gehan or mortgage in favour of the Agricultural Development Bank or the primary bank, as the case may be, and a certificate in respect thereof been granted under section 22, the court shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person appointed by the purchaser to receive delivery on his behalf, in possession of the property.

(2) Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under section 22, the court shall, on the application of the purchaser and after giving notice to such tenant or other person, order, delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property and proclaming to the occupant by beat of drum or other customary mode at some convenient place that the interest of the person who created the Gehan or the mortgagor has been transferred to the purchaser.

(3) The provisions of rules 97 to 103 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall *mutatis mutandis*, apply to the cases dealt with in sub-sections (1) and (2).

24. *Right of Agricultural Development Bank or Primay Bank to purchase property at sale.*—It shall be competent to the Agricultural Development Bank or a primary bank to purchase any property sold under this Chapter, but the property so purchased shall be disposed of by such bank by sale within such period as may be fixed by the Trustee.

25. *Appointment of receiver and his powers.*—(1) The Board may, on its own motion or on the application of any branch of the Agricultural Development Bank or the committee of a primary bank under circumstances in which the power of sale conferred by section 18 may be exercised, appoint in writing a receiver of the produce and income of the property or any part thereof and such receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be to retain out of any money realised by him, his,expense of management including his remuneration if any as may be fixed by the Board and to apply the balance in accordance with the provisions of sub-section (8) of section 69A of the Transfer or Property Act, 1882 (Central Act 4 of 1882).

(2) A receiver appointed under sub-section (1) may, for sufficient cause and an application made by the person who created the Gehan or the mortgagor, as the case may be, be removed by the Board.

(3) A vacancy in the office of the receiver may be filled up by the Board.

(4) Nothing in this section shall empower the Board to appoint a receiver where the mortgaged property is already in the possession of a receiver appointed by a civil court; but the Board or the committee, as the name may be, may through the Managing Director in the case of the Agricultural Development Bank or the Secretary in the case of a primary bank, petition to such court to direct the receiver appointed by such court to apply any part or the whole of the surplus remaining in his hands after meeting the expenses of his management, to the discharge of the amount due under the Gehan or the mortgage or part thereof, as the case may be.

26. *Title of purchaser not to be impeached in the ground of irregularity etc.*—When a sale has been made in the professed exercise of the power of sale under section 18 and has been confirmed under sub-section (3) of section 20, the title of the purchaser shall not be impeachable on the ground that no cause had arisen to authorise the sale or that due notice was not given or that the power was otherwise improperly or irregularly exercised, but any person damnifide by an unauthorised or improper or irregular exercise of the power shall have his remedy in damages against the Agricultural Development Bank or the concerned primary bank, as the case may be.

27. *Appointment of sale officer.*—The Registrar may appoint sale officers for the purpose of conducting sales under this Act.

CHAPTER VI

MISCELLANEOUS

28. *Powers of Agricultural Development Bank in case mortgaged property is insufficient.*—Where any property which is subject to a Gehan or mortgage in favour of the Agricultural Development Bank or a primary bank is rendered insufficient and the person who created the Gehan or the mortgagor, having been given a reasonable opportunity by the Board or the committee of the primary bank of providing further security enough to render the whole security sufficient or of repaying such portion of the loan as may be determined by the Board or the committee, has failed to provide such security or to repay such portion of the loan, the whole of the loan shall be deemed to fall due atonce and the Board or the committee, as the case may be, shall be entitled to take action against the person who created the Gehan or the mortgagor under section 15 or section 18 for the recovery thereof.

Explanation.—A security is insufficient within the meaning of this section of the value of the property falls below the amount for the time being due to the Agricultural Development Bank or the primary bank by such proportion as may be specified in the bye-laws of the Agricultural Development Bank or the primary bank, as the case may be.

29. *Power of Board or Trustee to direct distraint and sale of produce and sale of mortgaged property etc.*—(1) The Board or the Trustee may direct the committee of a primary bank to take action against a defaulter under section 15 or section 18 or section 28 and if the committee neglects or fails to do so the Board or the Trustee may take such action.

(2) Where action is taken by the Board under sub-section (1), the provisions of this Act and of any rules or regulations made thereunder shall apply in respect thereto as if all references to the primary bank and to its committee in the said provisions were references to the Agricultural Development Bank and the Board, respectively.

(3) Where action is taken by the Trustee under sub-section (1), the provisions of this Act and of any rules or regulations made thereunder shall apply in respect thereto as if all references to the primary bank or to its committee in the said provisions were references to the Trustee.

30. *Bank's right to improvements effected after Gehan or mortgage.*—Notwithstanding anything contained in the Kerala Compensation for Tenants Improvements Act, 1958 (29 of 1958), the improvements, if any, made subsequent to the date of the Gehan or mortgage in favour of the Agricultural Development Bank or a primary bank, by the lessee of the property to which the Gehan or mortgage relates, shall be treated as accession to the property and shall be available to such bank for the realisation of the amount under the Gehan or mortgage.

31. *Gehan or mortgage not to be questioned on insolvency of person who created Gehan or mortgagor.*—Notwithstanding anything contained in the Insolvency Act, 1955 (2 of 1956), a Gehan or mortgage created or executed in favour of the Agricultural Development Bank or a primary bank, shall not be called in question on the ground that it was not created or executed in good faith for valuable consideration or on the ground that it was created or executed in order to give such bank a preference over the other creditors of the person who created the Gehan or the mortgagor.

32. *Right of Agricultural Development Bank to pay prior debts.*—Where a Gehan or mortgage is created or executed in favour of the Agricultural Development Bank or a primary bank for payment of prior debts of the person who created the Gehan or the mortgagor, such bank may, notwithstanding the provisions of sections 83 and 84 of the Transfer of Property Act 1882, (Central Act 4 of 1882), by notice in writing, require any person to whom any such debt is due, to receive payment of such debt or part thereof from the bank at its registered office within such period as may be specified in the notice, and if any such person fails to receive such notice or such payment, such debt or part thereof, as the case may be, shall cease to carry interest from the expiration of the period specified in the notice, except in cases where such person proves to the satisfaction of the Board or the Committee of the primary bank, as the case may be, that the failure to receive notice or payment was due to causes beyond his control:

Provided that where there is a dispute as regards the amount of any such debt, the person to whom such debt is due shall be bound to receive payment of the amount offered by the bank towards the debt, but such receipt shall not prejudice the right, if any, of such person to recover the balance claimed by him.

33. *Power to summon witnesses and requisition of documents.*—(1) Subject to such restrictions, limitations and conditions as may be prescribed, the Registrar and officers subordinate to the Registrar who are authorised by him in this behalf by general or special order in writing, and such other officials

engaged in the relief of rural indebtedness or officers of co-operative banks which are registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969), as the Government may, by notification in the Gazette, authorise in this behalf shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath or affirmation.

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses.

(2) Any of the officers authorised by or under sub-section (1) may require any person present before him to furnish any information or to produce any document then and there in his possession or power, relevant to the inquiry.

(3) Any officer before whom any document is produced under sub section (1) of sub-section (2) shall have power to take, or to authorised the taking of, such copies of the document or of any entries therein as such officer may consider necessary and the copies so taken shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be.

(4) Any person who willfully or without reasonable excuse disobeys any summons, requisition or order issued under sub-section (1) or sub-section (2) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing disobedience with an additional fine which may extend to five rupees for every day during which such disobedience continues after conviction for the last such disobedience.

(5) No court inferior to that of a magistrate of the first class shall try any offence under sub-section (4).

(6) No prosecution shall be instituted under sub-section (4) without the previous sanction of the Registrar.

(7) Sanction shall not be given under sub-section (6) without giving the party concerned an opportunity to be heard.

34. *Registration of documents executed on behalf of the Agricultural Development Bank or Primary Bank.*—(1) Notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), it shall not be necessary for any Director, Managing Director, Secretary or other officer of the Agricultural Development Bank or of a primary bank to appear in person or by agent at any registration office in any proceedings connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may if he thinks fit, refer to such Director, Managing Director, Secretary or other Officer for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

35. *Power of Primary bank to receive money and grant valid discharges.*—Notwithstanding that a Gehan or mortgage created or executed in favour of a primary bank has been transferred, or is deemed under the provisions of section 12, to have been transferred, to the Agricultural Development Bank—

(a) all moneys due under the Gehan or mortgage shall, in the absence of any specific direction to the contrary issued by the Board or the Trustee and communicated to the person who created the Gehan or the mortgagor, be payable to the primary bank and such payment shall be as valid as if the Gehan or mortgage had not been so transferred; and

(b) the primary bank shall, in the absence of any specific direction to the contrary issued by the Board or the Trustee and communicated to the primary bank, be entitled to sue on the Gehan or mortgage or take any other proceedings for the recovery of the moneys due under the Gehan or mortgage.

36. *Proof of documents or entries in documents.*—The Agricultural Development Bank or any primary bank may grant copies of any document obtained and kept by it in the course of its business or of any entries in such documents; and any copy so granted shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be.

37. *Chapters IV and V to apply to loans advanced by primary banks from funds not borrowed from Agricultural Development Bank.*—The provisions of Chapters IV and V shall apply also to loans advanced by primary banks from funds which have not been borrowed from the Agricultural Development Bank and to loans taken over by the Kerala Co-operative Central Land Mortgage Bank from the Travancore Credit Bank.

38. *Service of notices under Act.*—Whenever under the provisions of this Act, notice is required to be given to any person in writing, it shall be sufficient to send such notice by registered post.

39. *Sections* 102, 103 *and rules under section* 104 *of the Transfer of Property Act*, 1882 *to apply to notices under the Act.*—The provisions of sections 102 and 103 of the Transfer of Property Act, 1882 (Central Act 4 of 1882) and of any rules made by the High Court under section 104 of the Act, for carrying out the purposes of the said sections, shall apply, so far as may be, in respect of all notices to be served under this Act.

40. *Officers of bank not to bid at sales.*—At any sale of movable or immovable property held under the provisions of this Act for the recovery of any money due to the Agricultural Development Bank or any primary bank, no Director, Managing Director, Secretary or other officer of the Agricultural Development Bank or such primary bank, as the case may be (except on behalf of the bank of which he is a Director, Managing Director, Secretary or other officer), and no sale officer or other person having any duty to perform in connection with such sale, shall, either directly or indirectly, bid for or acquire or attempt to acquire any interest in such property.

41. *Delegation of powers by Board.*—The Board may, if it thinks fit, delegate all or any of its powers under sections 18, 19 and 25 to any executive committee constituted by it and consisting of two or more of its members.

42. *Starting of branch banks.*—The Board may, from time to time, with the previous sanction of the Registrar, start branches or regional offices of the Agricultural Development Bank at such convenient centres as it thinks fit and carry on operations through them.

43. *Power of Board to admit members.*—Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969), or in any other law for the time being in force, the Board may admit—

(1) any primary bank; or

(2) any co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969; or

(3) the Government; or

(4) any company or corporation or any body of persons whether incorporated or not and whether or not established by or under any law, as a member of the Agricultural Development Bank on application made in that behalf to that bank:

Provided that the previous approval of the Government shall be obtained for the admission of any company or corporation or body of persons referred to in clause (4):

Provided further that the Board may in its discretion admit any co-operative society referred to in clause (2) or any company or corporation or body of persons referred to in clause (4) only as nominal or associate member.

Explanation.—In this section "nominal or associate member" means a member who possesses only such privileges and rights of a member and who is subject only to such liabilities of a member as may be specified in the regulations made by the Board.

44. *Transfer of assets and liabilities of the Kerala Co-operative Central Land Mortgage Bank and primary land mortgage banks.*—(1) Notwithstanding anything contained in any law for the time being in force, or in any contract, on and from the commencement of this Act the entire assets and liabilities, rights, title, interest and obligations of the Kerala Co-operative Central Land Mortgage Bank and primary land mortgage banks shall stand transferred to and vested in the Agricultural Development Bank and its primary banks, as the case may be, and thereupon the Agricultural Development Bank, its primary banks may enforce the mortgages vested in them as if the properties mortgaged to the Kerala Co-operative Central Land Mortgage Bank and its primary banks were mortgaged to the Agricultural Development Bank and its primary banks.

(2) The share holders, debentureholders and depositors of the Kerala Co-operative Central Land Mortgage Bank and the primary land mortgage banks shall be deemed to be the shareholders, debentureholders and depositors respectively of the Agricultural Development Bank and its primary banks, as the case may be, from the date of commencement of this Act and they shall enjoy all the rights and privileges of the shareholders, debenture holders and depositors of the Agricultural Development Bank and its primary banks.

(3) All contracts, deeds, bonds, agreements and other instruments of whatever nature subsisting or having effect on the date of commencement of this Act and to which the Kerala Co-operative Central Land Mortgage Bank or any primary land mortgage bank is a party shall from such date be of full force and effect against or in favour of the Agricultural Development Bank or the corresponding primary bank, as the case may be, and may be enforced as fully and effectually by the Agricultural Development Bank and the primary bank.

45. *General power of supervision of Board.*—Notwithstanding anything contained in the Kerala Co-operative Societies Act, 1969 (21 of 1969) or the rules made thereunder, the Board shall have general power of supervision over the primary banks.

46. *Power of Board to make regulations.*—The Board may make regulations not inconsistent with this Act or the rules made thereunder—

(a) for the inspection of the account books and proceedings of primary banks;

(b) for the submission of returns and reports by primary banks in respect of their transactions;

(c) for the periodical settlement of accounts between the primary banks and the Agricultural Development Bank and for the payment of the amounts recovered by primary banks on Gehan or mortgage transferred, or deemed, under the provisions of section 12, to have been transferred, to the Agricultural Development Bank;

(d) prescribing the form in which applications to primary banks for loans should be made and for the valuation of the properties offered as security for such loans;

(e) for the investment of moneys realised from Gehan or mortgages;

(f) generally for the purpose of safeguarding the interests of the parties concerned and for carrying out the purposes of this Act.

47. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the form of declaration under section 10;

(b) the form of notice under section 11;

(c) manner of effecting distraint;

(d) custody, preservation and sale of distrained properties;

(e) investigation of the claims by persons other than the defaulter to any right or interest in distrained properties and for the postponement of the sale pending such investigation;

(f) immediate sale of perishable articles;

(g) fixing the rates of deduction on account of the cost of sale of distrained properties;

(h) proclamation and conduct of sales;

(i) recovery of the expenses of proclamation and sale;

(j) deposit of the purchase money;

(k) the re-sale of the property if the purchase money is not deposited;

(l) the registration of claims in respect of property mortgaged to the Agricultural Development Bank or a primary bank;

(m) any other matter required or allowed by this Act to be prescribed.

48. *Repeal and Savings.*—(1) The Kerala Co-operative Land Mortgage Banks Act, 1960 (1 of 1960) is hereby repealed.

(2) Notwithstanding such repeal, all appointments, rules, orders and transactions made, notifications and notices issued, and suits and other proceedings instituted, under the Act hereby repealed shall, so far as may be, be deemed to have been respectively made, issued or instituted under this Act.

(3) The regulations made by the Board of Directors of the Kerala Co-operative Central Land Mortgage Bank Limited under the Act repealed by sub-section (1) shall, in so far as they are not inconsistent with the provisions of this Act and the rules made thereunder, continue in force until altered or rescinded under this Act.

(4) The bye-laws made by any primary land mortgage bank before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act and the rules made thereunder, continue in force until altered or rescinded under this Act.

STATEMENT OF OBJECTS AND REASONS

In 1960, when the Kerala Co-operative Land Mortgage Banks Act was enacted, the land mortgage banks were disbursing loans mainly for the purpose of repayment of old debts. The amount disbursed was small. The emphasis was on security and not on production as it was a security-oriented system of lending. The procedure followed for disbursement of loans was cumbersome and there was inordinate delay in sanctioning loan applications. The recovery measures were not also very effective. Comparatively, it was the higher sections of the farming community who availed themselves of credit facilities from the land mortage banks. But later on, there have been significant changes in the loaning policies and programmes. Emphasis has been shifted from security-oriented system of lending to a production-oriented system of lending. At present, about ninety per cent of the loans are issued only for productive purposes.

2. Under the changed circumstances, with the increasing emphasis on institutional finance for agricultural development, there has been substantial increase in the loaning operations of the land mortgage banks all over the country. Compared to the other States, the performance in this regard in Kerala is very insignificant.

3. The success of the implementation of the loaning programmes depends to a great extent, on the simplification of the procedure followed in disbursement and recovery of loans. The procedure for processing and sanctioning of loan applications prescribed by or under the Kerala Co-operative Land Mortgage Banks Act, 1960, is cumbersome and time-consuming. Similarly, the procedure for the recovery of loans prescribed by or under the Act is not also effective. It is, therefore, considered necessary to change the provisions of the Kerala Co-operative Land Mortgage Banks Act, 1960. Since extensive amendments to the Act are required, it is proposed to repeal the Act and to enact a fresh legislation. The Bill is intended for this purpose.

The Bill *inter alia* seeks to provide for the following matters:—

(1) change in the nomenclature of the Bank;

(2) quick disposal of loan applications;

(3) easy and effective measures for recovery;

(4) liberalisation of security conditions;

(5) new activities such as forestry, dairy, piggery, poultry, fisheries, etc., as also incidental activities like processing, marketing, storage and transportation;

(6) better credit support to the beneficiaries of land reforms;

(7) finance for Electricity Board and other corporate bodies.

FINANCIAL MEMORANDUM

Sub-clause (3) of clause 4 of the Bill seeks to empower the Agricultural Development Bank to borrow money by way of loans from Government, the Agricultural Refinance and Development Corporation, etc. Sub-clause (1) of clause 6 seeks to provide that the principal of and the interest on the debentures issued under section 3 or bonds issued or loans raised under section 4 to such maximum amount as may be fixed by the Government from time to time and subject to such conditions as they may deem fit to impose, shall, carry the guarantee of the Government. The first proviso to clause 9 seeks to provide that the Agricultural Development Bank and the primary banks may advance loans, for such purposes and for such periods as may be specified by the Government by general or special order, without security of land but on the specific guarantee of the Government for the repayment of the principal and payment of interest thereon. If a guarantee is enforced, payment will have to be made from the Consolidated Fund of the State.

2. It cannot be estimated at present as to what would be the amount that may have to be given to the Bank by way of loan by the Government or the amount of expenditure that may have to be incurred if any guarantee is enforced.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2)(a) of clause 6 of the Bill seeks to empower the Government to discontinue, any guarantee given by them under sub-clause (1) of that clause or restrict the maximum amount thereof or modify the conditions subject to which it is given, by notification in the Gazette and by notice for not less than 14 days with effect from a specified date not being earlier than six months from the date of publication of the notification in the Gazette.

Clause 7 seeks to empower the Board to make, subject to the approval of the Trustee, regulations not inconsistent with the provisions of Chapter II, for fixing the period of debentures and the rate of interest payable thereon

for calling in debentures after giving notice to debenture holders, for the issue of new debentures in place of debentures damaged or destroyed, for converting one class of debentures into another class of debentures bearing a different rate of interest and generally for carrying out the provisions of the said Chapter.

Item (XV) of sub-clause (a) of clause 8 seeks to empower the Government to specify, by special or general order, purposes other than those specified in the sub-clause as improvement and productive purposes for the purposes of Chapter II.

The second proviso to sub-clause (1) of clause 9 seeks to empower the Government to prescribe the restrictions and limitations subject to which the Agricultural Development Bank and primary banks may with the previous approval of the Registrar advance loans for such purposes and for such periods as may be determined by the Board.

Sub-clause (4) of clause 10 seeks *inter alia* to empower the Government to prescribe the time within which and the manner in which the Agricultural Development Bank or a primary bank may sent a copy, of the declaration or instrument where by Gehan or mortgage has been created or executed for the purpose of securing repayment of a loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property to which the Gehan or mortgage relates is situate.

Clause 22 seeks to empower the Government to prescribe the form in which a certificate may be granted by the sale officer to the purchaser of property sold for recovery of amounts due to the Agricultural Development Bank or a primary bank.

Sub-clause (1) of clause 33 seeks to empower the Government to prescribe the restrictions, limitations and conditions subject to which an officer authorised by or under that sub-clause shall have the powers of a civil court under the Code of Civil Procedure, 1908, in respect of the matters specified in the sub-clause. Sub-clause (3) of that clause seeks to empower the Government to prescribe the manner in which copies of any document or of any entries therein taken by any officer before whom such document is produced under sub-clause (1) or sub-clause (2) of the clause, may be certified.

Clause 36 seeks to empower the Government to prescribe the manner in which copies of documents obtained and kept by the Agricultural Development Bank or the primary banks may be certified.

Clause 46 seeks to empower the Board to make regulations not inconsistent with the Act and the rules made thereunder in respect of the matters specified in the said clause.

Clause 47 seeks to empower the Government to make rules to carry out all or any of the purposes of the Act. The various matters in respect of which rules may be made are specified in sub-clause (2) of that clause.

Matters in respect of which notifications may be issued or rules or regulations may be made are of a routine or administrative nature or matters of detail. The delegation of legislative power is, thus, of a normal character.

M. KAMALAM

Government of Kerala
1982

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (Panchayat Election) Department

NOTIFICATIONS

G.O.Ms.No.137/82/LA&SWD. *Dated, Trivandrum,* 16th *August,* 1982.

I

S. R. O. No. 982/82.—Under rule 6 of the Kerala Municipalities (Election of Members) Rules 1963 and in supersession of the Notification-I issued under G.O. Ms. 136/80/LA&SWD dated the 16th June, 1980, and published as S.R.O. No. 558/80 in the Kerala Gazette Extraordinary No. 404 dated the 18th June, 1980, the Government of Kerala hereby publish the following list of symbols which may be used by the candidates at the election of Councillors to the Municipal Councils in the State, namely:—

List of Symbols

1. Lotus
2. Ears of Corn and Sickle
3. Hammer Sickle and Star
4. Charka
5. Hand

6. Haldhar within wheel (Chakra Haldhar)
7. Farmer ploughing the field (Khet Jotata Hua Kissan)
8. Boat
9. Horse
10. Elephant
11. Ladder
12. Spade and Stoker
13. A Pair of Pigeons
14. Bicycle
15. Deer
16. Flaming Torch
17. Flower
18. Pot
19. Peacock
20. Railway Engine
21. Rising Sun
22. Scales
23. Sparrow
24. Swastik within a Circle
25. Spade
26. Two leaves
27. Tiger

II

S. R. O. No. 983/82.—Under the first proviso to Sub Rule (3) of Rule 7 of the Kerala Municipalities (Election of Members) Rules, 1963 and in supersession of Notification-II issued in G.O. Ms. No. 136/80/LA&SWD, dated 16th June, 1980 and published as S.R.O. No. 559/80 in the Kerala Gazette Extraordinary No. 404 dated the 18th June, 1980 the Government of Kerala hereby impose the following restriction on the choice of symbols by the candidates at the election of Councillors to the Municipal Councils in the State, namely:—

The symbol shown in column (1) of the Table below will be chosen by, and assigned to, only the candidates formally sponsored by the political party mentioned against each symbol in column (2) thereof.—

Table

(1)	(2)
1. Lotus	Bharatiya Janatha Party
2. Ears of Corn and Sickle	Communist Party of India
3. Hammer Sickle and Star	Communist Party of India (Marxist)
4. Charka	Indian Congress (Socialist)
5. Hand	Indian National Congress

(1)	(2)
6. Haldhar within Wheel (Chakra Haldhar)	Janatha Party
7. Farmer ploughing the field (Khet Jotata Hua Kissan)	Lok Dal
8. Boat	All India Muslim League
9. Horse	Kerala Congress
10. Elephant	Kerala Congress (J)
11. Ladder	Muslim League
12. Spade and Stoker	Revolutionary Socialist Party

By order of the Governor,

M. S. K. RAMASWAMY,
Special Secretary.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its Gerneral purport)

Rule 6 of the Kerala Municipalities (Election of Members) Rules, 1963 requires that the Government shall, as soon as may be, after commencement of these rules by notification in the Gazette publish a list of symbols and may in like manner add to or vary such list. Under the first proviso to sub rule (3) of rule 7 of the said rules, the choice of the symbols by the candidates shall be subject to such restrictions as the Government may deem fit to impose. These notifications are intended to notify the symbols and to restrict their choice by candidates at the election of members to the Panchayats.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (Panchayat Election) Department

NOTIFICATIONS

G. O. Ms. No. 138/82/LA&SWD. *Dated, Trivandrum, 16th August,* 1982.

I

S. R. O. No. 984/82.—Under rule 6 of the Kerala Municipal Corporations (Election of Councillors) Rules, 1963, and in supersession of the Notification-I issued under G. O. Ms. 135/80/LA&SWD. dated the 16th June 1980, and published as S. R. O. No. 556/80 in the Kerala Gazette Extraordinary No. 403 dated the 18th June, 1980, the Government of Kerala hereby publish the following list of symbols which may be used by the candidates at the election of Councillors to Municipal Corporations in the State, namely:—

List of symbols

1. Lotus
2. Ears of Corn and Sickle
3. Hammer Sickle and Star

4. Charka
5. Hand
6. Haldhar within wheel (Chakra Haldhar)
7. Farmer ploughing the field (Khet Jotata Hua Kissan)
8. Boat
9. Horse
10. Elephant
11. Ladder
12. Spade and Stoker
13. A Pair of Pigeons
14. Bicycle
15. Deer
16. Flaming Torch
17. Flower
18. Pot
19. Peacock
20. Railway Engine
21. Rising Sun
22. Scales
23. Sparrow
24. Swastik within a Circle
25. Spade
26. Two leaves
27. Tiger

II

S. R. O. No. 985/82.—Under the first proviso to sub-rule (3) of rule 7 of the Kerala Municipal Corporations (Election of Councillors) Rules, 1963 and in supersession of Notification-II issued in G. O. Ms. No. 135/80/LA & SWD. dated the 16th June, 1980 and published as S. R. O. No. 557/80 in the Kerala Gazette Extraordinary No. 403 dated the 18th June, 1980 the Government of Kerala hereby impose the following restriction on the choice of symbols by the candidates at the election of Councillors to the Municipal Corporations in the State, namely:—

The symbol shown in column (1) of the Table below will be chosen by and assigned to, only the candidates formally sponsored by the political party mentioned against each symbol in column (2) thereof—

Table

(1)		(2)
1.	Lotus	Bharatiya Janatha Party
2.	Ears of Corn and Sickle	Communist Party of India
3.	Hammer Sickle and Star	Communist Party of India (Marxist)
4.	Charka	Indian Congress (Socialist)
5.	Hand	Indian National Congress
6.	Haldhar within Wheel (Chakra Haldhar)	Janatha Party
7.	Farmer Ploughing the field (Khet Jotata Hua Kissan)	Lok Dal
8.	Boat	All India Muslim League
9.	Horse	Kerala Congress
10.	Elephant	Kerala Congress (J)
11.	Ladder	Muslim League
12.	Spade and Stocker	Revolutionary Socialist Party

By order of the Governor,

M. S. K. RAMASWAMY,
Special Secretary.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport).

Rule 6 of the Kerala Municipal Corporation (Election of Councillors) Rules, 1963 requires that the Government shall, as soon as may be, after commencement of these rules by notification in the Gazette publish a list of symbols and may in like manner add to or vary such list. Under the first proviso to sub-rule (3) of rule 7 of the said rules, the choice of the symbols by the candidates shall be subject to such restrictions as the Government may deem fit to impose. These notifications are intended to notify the symbols and to restrict their choice by candidates at the election of members to the Panchayats.

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GOVERNMENT OF KERALA

Agriculture(Agri.) Department

NOTIFICATION

G. O. Ms. No. 244/82/Agri. *Dated, Trivandrum, 13th August*, 1982.

S.R.O. No. 986/82.—Under sub-section (1)of section 20 of the Warehousing Corporations Act, 1962 (Central Act 58 of 1962), read with rule 9 of the Kerala State Warehousing Corporation Rules, 1968, the Government of Kerala hereby rescind the nominations of Shri P. Viswanathan Nair, former Additional Secretary to Government, Agriculture Department. Shri P. Sukumaran, Additional Secretary to Government and Shri K. M. Balakrishnan, Director, Special Agricultural Development Unit to the Board of Directors of the Kerala State Warehousing Corporation and in their places nominate Shri M. R. Vasudevan Pillai, Additional Secretary to Government, Agriculture Department, Trivandrum, Shri P. Suseelan Director of Agriculture, Trivandrum and Shri P. P. Mathai, Additional Secretary to Government, Law Department, Trivandrum, and consequently make the following amendments to the notification No. G. O. (Ms.) 234/79/AD dated the 6th June, 1979, published as S.R.O. No. 701/79 in the Kerala Gazette No. 26 dated the

26th June, 1979 reconstituting the Board of Directors of the Kerala State Warehousing Corporation, as subsequently amended, namely:—

AMENDMENTS

In the said Notification under the heading—

"II—Directors (State Government nominees)",—

(a) for items (2) and (3) the following items shall respectively be substituted, namely:—

"(2) Shri M. R. Vasudevan Pillai, Additional Secretary to Government, Agriculture Department, Trivandrum.

(3) Shri P. Suseelan, Director of Agriculture, Trivandrum.";

(b) for item (5) the following item shall be substituted, namely:—

"(5) Shri P. P. Mathai, Additional Secretary to Government, Law Department, Trivandrum."

By order of the Governor,

A. S. PADMAVATHY,
Deputy Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate the general purport).

Government propose to rescind the nominations of Shri P. Viswanathan Nair, former Additional Secretary to Government Agriculture Department, Shri P. Sukumaran, Additional Secretary to Government and Managing Director, Kerala State Coconut Development Corporation and Shri K. M. Balakrishnan, Director, SADU on the Board of Directors of the Kerala State Warehousing Corporation and to nominate Shri M. R. Vasudevan Pillai, Additional Secretary to Government, Agriculture Department, Shri P. Suseelan, Director of Agriculture and Shri P. P. Mathai, Additional Secretary to Government, Law Department in their places. The notification is intended to achieve the above object.

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Government of Kerala
1982

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Monday, 16th August 1982 / 25th Sravana 1904 (Saka) [No. 577

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(ACT 21 OF 1962)

No. A. 126/82. *11th August 1982.*

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ അധികൃത ഏജന്റ് മുഖേനയോ താഴെപ്പറയുന്ന തീയതിയിലും സ്ഥലത്തും സമയത്തും ഹാജരാകുകയും ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും

ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്ന് കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്.—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിന്മേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പുപ്രകാരം കളക്ടർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Date, time and place of appearance—On 28-8-1982 at 11 a.m. before the Special Tahsildar (L.A.) Railways at Ottapalam.

Particulars of lands

D strict—Palghat.

Taluk—Ottapalam. Village—Vaniamkulam II.

Sl. No.	*Survey No.* Old	New	*Description*		*Extent* *Hectare*
1.	61A/12	61A/13	Garden	Dry	0.0055
2.	61A/12	61A/14	do.	do.	0.0047
3.	61B	61B	do.	do.	0.0486
				Total	0.0588

(Sd.)

Special Tahsildar
(Land Acquisition) Railways

Ottapalam.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Monday, 16th August 1982 / 25th Sravana 1904 (Saka) [No. 578

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(ACT 21 OF 1962)

No. 505/81. *6th August 1982.*

Notice is hereby given that the Government intend to take possession of the land mentioned in the list below, which is required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the land are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the land and the amount and particulars of their claim to compensation for such interests in the land and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത

ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ അധികൃത ഏജന്റ് മൂലമോ താഴെപ്പറയുന്ന തീയതിയിലും സ്ഥലത്തും സമയത്തും ഹാജരാകുകയും, ഭൂമിയിൽ അവരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവ് സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്നു കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റ്മെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്.—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ചചെയ്യാൻ വീഴ്ചചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പുപ്രകാരം കളക്റ്റർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Date, time and place of appearance.—On 24-9-1982 at 11 a. m. before the Special Tahsildar (L. A.) Railways at Ernakulam.

Particulars of land

District—Ernakulam

Taluk—Kanayannur

Village—Ernakulam

Survey No.—2365/7

Description—Dry

Extent—0.0567 *Hectare.*

(Sd.)

Special Tahsildar,

(Land Acquisition), Railways.

Ernakulam

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Monday, 16th August 1982 / 25th Sravana 1904 (Saka) [No. 576

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(ACT 21 OF 1962)

No. A3. 1034/80. *12th August 1982.*

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ അധികൃത ഏജന്റ് മുഖേനയോ താഴെപ്പറയുന്ന തീയതിയിലും സ്ഥലത്തും സമയത്തും ഹാജരാകുകയും ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും

ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്ന് കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജൻറുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെൻറ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്.—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പുപ്രകാരം കളക്റ്റർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Date, time and place of appearance—On 4-9-1982 at 11 a.m., before the Special Tahsildar (L.A.) N. H. Trichur at Methala Village Office.

Particulars of lands

District—Trichur.

Taluk—Kodungallur. Village—Methala. Block No. XIV.

Sl. No.	*Survey No.*	*Description*	*Extent in Hectare*
1.	874/2-3A	Dry	0.0033
2.	874/2-3B	,,	0.0208
3.	877/6-10	,,	0.0025
4.	875/2	,,	3.0535
5.	883/1-6	,,	0.0257
6.	883/5-11	,,	0 0355
7.	883/3-9	,,	0.0232
8.	883/4-10	,,	0.0166
		Total	0.1811

E. A. KRISHNAN,
Special Tahsildar (L. A.) N. H.

Trichur-3.

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Vol. XXVII] Trivandrum, Monday, 16th August 1982 / 25th Sravana 1904 [No. 572

GOVERNMENT OF KERALA

Local Administration and Social Welfare (Panchayat Election) Department

NOTIFICATIONS

G. O. (Ms) No. 136/82/LA&SWD. *Dated, Trivandrum, 16th August,* 1982.

I

S. R. O. No. 980/82.—Under Rule 11 of the Kerala Panchayats (Election of Members) Rules, 1962 and in supersession of the Notification-I issued under G. O. (Ms) 134/80/LA&SWD dated the 16th June, 1980 and published as S. R. O. No. 554/80 in the Kerala Gazette Extraordinary No. 402, dated the 18th June, 1980, the Government of Kerala hereby publish the following list of symbols which may be used by the candidates at the election of members to the Panchayats in the State, namely:—

List of symbols

1. Lotus
2. Ears of Corn and Sickle
3. Hammer Sickle and Star
4. Charka
5. Hand
6. Haldhar within wheel (Chakra Haldhar)
7. Farmer ploughing the field (Khet Jotata Hua Kissan)
8. Boat

9. Horse
10. Elephant
11. Ladder
12. Spade and Stoker
13. A pair of Pigeons
14. Bicycle
15. Deer
16. Flaming Torch
17. Flower
18. Pot
19. Peacock
20. Railway Engine
21. Rising Sun
22. Scales
23. Sparrow
24. Swastik within a Circle
25. Spade
26. Two leaves
27. Tiger

II

S. R. O. No. 981/82.—Under the first proviso to sub-rule (3) of Rule 12 of the Kerala Panchayats (Election of Members) Rules, 1962, and in supersession of Notification-II issued in G. O. Ms. No. 134/80/LA&SWD. dated 16th June, 1980, and published as S.R.O. No. 555/80 in the Kerala Gazette Extraordinary No. 402 dated the 18th June, 1980, the Government of Kerala hereby impose the following restriction on the choice of symbols by the candidates at the election of members to the Panchayats in the State, namely:—

The symbols shown in column (1) of the Table below will be chosen by and assigned to, only the candidates formally sponsored by the political party mentioned against each symbol in column (2) thereof—

Table

(1)	(2)
1. Lotus	Bharatiya Janatha Party
2. Ears of Corn and Sickle	Communist Party of India
3. Hammer Sickle and Star	Communist Party of India (Marxist)
4. Charka	Indian Congress (Socialist)
5. Hand	Indian National Congress
6. Haldhar within Wheel (Chakra Haldhar)	Janatha Party

(1)		(2)
7.	Farmer ploughing the field (Khet Jotata Hua Kissan)	Lok Dal
8.	Boat	All India Muslim League
9.	Horse	Kerala Congress
10.	Elephant	Kerala Congress (J)
11.	Ladder	Muslim League
12.	Spade and Stoker	Revolutionary Socialist Party

By order of the Governor,

M. S. K. Ramaswamy,
Special Secretary.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its General purport).

Rule 11 of the Kerala Panchayat (Election of Members) Rules, 1962 requires that the Government shall, as soon as may be, after commencement of these rules by notification in the Gazette publish a list of symbols and may in like manner add to or vary such list. Under the first proviso to sub-rule (3) of rule 12 of the said rules, the choice of the symbols by the candidates shall be subject to such restrictions as the Government may deem fit to impose. These notifications are intended to notify the symbols and to restrict their choice by candidates at the election of members to the Panchayats.

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